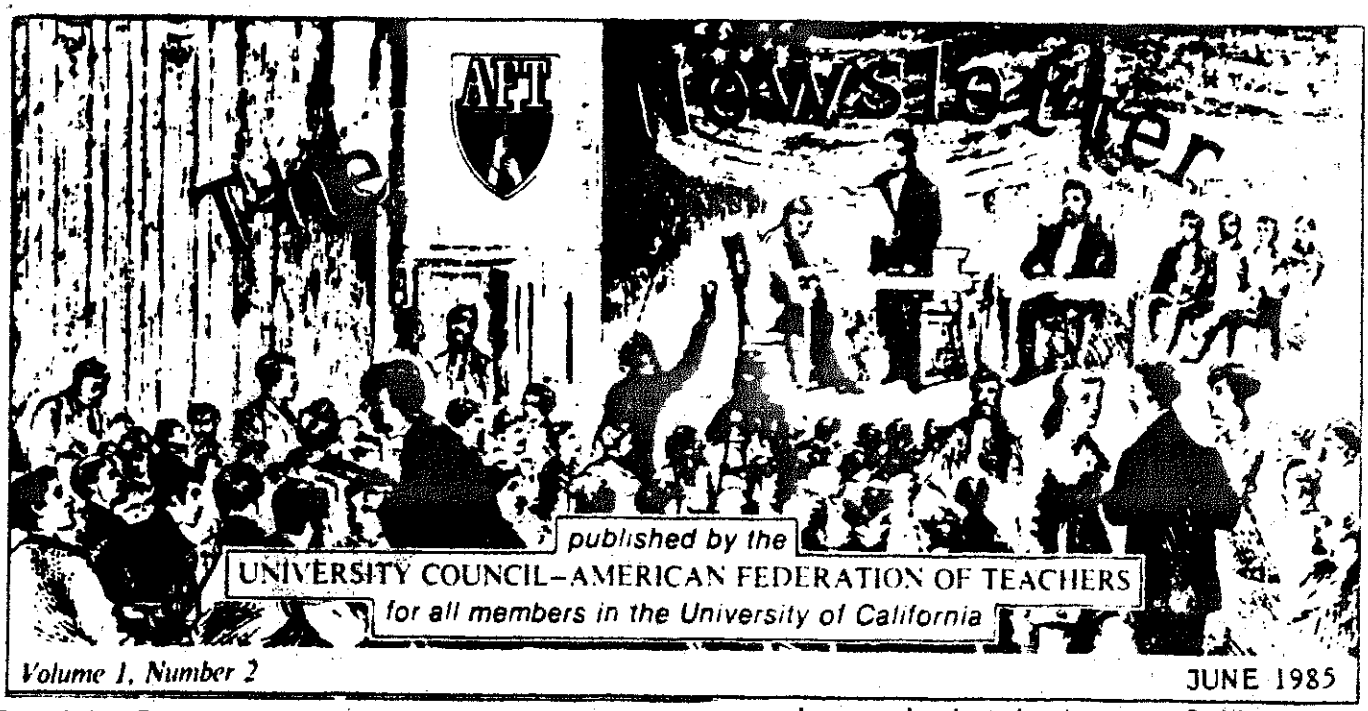


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Bargaining Report: Non-Senate Faculty, Unit 18

by Gary Adest

Spring 1985 brings with it a flurry of activity in the collective bargaining sphere: librarians are reopening contract negotiations while the Non-Senate Faculty (NSF) collective bargaining team is nearing the one-year mark in its discussions with the University administration. The past eleven months have been critically important in the development of the team's understanding of the rules and tactics of negotiations, and of the structure and processes underlying the operation of the university.

We have been made increasingly aware of the crucial role of Non-Senate Faculty in the operations of the university. At the outset of negotiations the team requested detailed information from the administration to ground our contract proposals on actual conditions at individual campuses and systemwide. Some of the information obtained has been surprising, and despite some footdragging on the part of the administration, we have obtained enough data to confirm our contention of the importance of Non-Senate Faculty at all levels of the university. Unit members teach graduate and undergraduate students, upper-division and lower-division; they participate in departmental and programmatic committees, supervise independent studies, direct graduate students, and sit on thesis committees. At Santa Barbara, unit members are responsible for 67 percent of all undergraduate credit courses; at Santa Cruz they teach about half of all lower-division contact hours; and at Davis they instruct a majority of undergraduate classes. There can be no question as to the central role of Non-Senate Faculty in the educational process at the University of California.

Throughout the negotiation, UC-AFT representatives have insisted upon presenting, maintaining, and strengthening the concept of this unit as a devoted, skilled, and well-credentialed cadre of professionals. Our efforts have posed difficulties at the bargaining table because the University's representatives hold a more traditional view of labor-management relations. Through persistent effort we have managed to begin to convince our colleagues across the table that we need a truly academic contract in order to perform our jobs well, with pride and respect, and with a dedication to the goals of the University. Thus far, both sides have reached tentative agreement on five contract clauses, none of which, however, is of explicit academic concern. In brief, these clauses are:

1)*Severability*--insures that all provisions of the Memorandum of Understanding (M.O.U.= "the contract") remain in effect in the event that any portion is invalidated in court.

2)*Resignation*--provides procedures for employees to leave employment on thirty days' notice with concern to minimize disruption for students.

3)*Per Diem*--allows complete access to reimbursement policies and procedures for university business and approved professional activities and guarantees that the same rates apply as with other academic employees.

4)*Successors*--guarantees that in the event the university or a portion thereof is sold or transferred the new owners will abide by the M.O.U.

5)*Medical Separation*--allows severance from employment (rather than dismissal) in cases of mental or physical conditions which preclude satisfactory performance. Insures procedures for rehabilitation, safeguards for physical examinations and evidence, and provides minimum notice standards.

More recently the University team has opened discussion on more serious professional concerns such as academic responsibility, academic freedom, committee structure and participation, and job secu-

(cont on page 2)

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(cont. from page 1)

rity. A good example of the approach the UC-AFT team has taken is our effort to raise the issue of faculty displacement. As readers are probably aware, former University President David Saxon considered implementing new policies in the last weeks of his term in office and his successor, David Gardner, has still not responded to concerns expressed by the Academic Senate. In this context, we proposed that members of Unit 18 not be layed off because of short-term budgetary considerations, but that any action require demonstration of long-term shifts in student enrollment. The University budget is based upon student enrollment figures and these numbers are tracked, analyzed and projected well in advance. The decision to discontinue programs and shift or eliminate faculty positions are weighty ones and require broad and effective consultation with all affected parties. Our proposal attempts to achieve such participation and to ensure consultation with unit members whose employment might be affected by any decisions. An additional concern, given our substantial impact on undergraduate education, is the effect of such administrative proposals on students and the educational mission of the University.

In contrast to our proposal, the university has offered to act as sole determining agent as to who will be layed off and when such layoffs shall occur. Their proposal provides an optional and minimal notification period so that, in effect, employees could be discharged immediately without justification or shared decision-making. Their proposal offers limited rehire rights and a selection procedure to determine the order of layoff. Administration bargainers view the issue as strictly a management prerogative not requiring responsible planning or consultation with the faculty who are intimately involved in the educational process.

Members of the NSF collective bargaining team look forward to more fruitful negotiations on additional academic and professional concerns and remain firm in the belief that as representatives of Non-Senate Faculty we speak for a group of extraordinary educators.

Dues Advisory Ballot

In our last issue members received an advisory ballot with alternative proposals for changes in the dues structure of UC-AFT. The first proposal called for implementation of a pass-through provision that would permit the Council to increase dues once a year to accommodate any increases in affiliation fees that might be assessed by our state and

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national affiliates--California Federation of Teachers and the American Federation of Teachers. Members approved of this proposal, with 64% of those voting in favor. The second proposal would have implemented the pass-through provision and also increased dues for those members in units which have achieved exclusive representation--librarians and non-Senate faculty. Voters disapproved of this proposal by a margin of 54% to 46%. Taking into account the voting, the Council approved the first proposal only which will take effect after July 1.

UCLA Lecturer Challenges 8-Year Rule

With the support of UC-AFT, UCLA lecturer Paul Von Blum has filed a lawsuit against the University which has far-reaching implications. The suit challenges the inconsistent and arbitrary application of the University's "eight-year rule" which prohibits untenured faculty from working more than half-time after eight years of full-time service.

The facts of the case are striking. This is Von Blum's sixteenth year of teaching at UC, including eleven years at Berkeley and five at UCLA. Throughout this entire period, Von Blum has maintained an outstanding teaching record in several departments. In 1974 he was the recipient of the Distinguished Teaching Award at Berkeley. At UCLA he has compiled one of the highest cumulative teaching evaluation averages on campus. He is nationally recognized as a leader in interdisciplinary education. He has published widely in several fields and his works include three books and forty articles.

Having passed the eight-year limit on June 30, 1976, Von Blum has been permitted to continue teaching full-time at both Berkeley and UCLA by working under various job titles. Only during the last two academic years has he been denied full-time academic employment. In summer 1984, he was offered a full-time faculty position at UC, Santa Barbara, but that position was subsequently withdrawn because of the eight-year rule.

The present suit raises several important legal issues. UC-AFT and Von Blum contend that the eight-year rule is arbitrary and capricious, violating his fundamental right to practice his profession as a university teacher. They urge the court to hold that a sixteen-year record of exceptional work at UC entitles him to security of employment. They maintain that the same university that has worked vigorously to get around the eight-year rule for so many years in Von Blum's case cannot now decide to invoke it. They argue further that the University has denied him security of employment in retaliation for his highly visible criticism of University policies in articles and in testimony before the State Legislature.

The case, above all, focuses public attention on a variety of problems that University officials prefer to conceal. It raises the issue, for example, of a discriminatory caste system affecting non-ladder UC faculty. Under this system, hundreds of dedicated and talented men and women are denied any form of job security, despite outstanding records as teachers. After eight years (and if the University had had its way, the figure would be four), they are summarily dismissed or reduced to half-time service or less. The tragic reality is that effective undergraduate teaching carries little or no status in UC and the effect of these priorities is the institutional neglect of the educational needs of undergraduates. We see here a waste of academic talent and an abuse of the University's responsibility to the people of California. With his case now before the courts, Paul Von Blum seeks redress of his individual grievances, but he also fights for us all.

MEMBERSHIP APPLICATION

Please complete the form below and return it to the local representative of UC-AFT noted on page two. He or she will assist you in setting up whichever dues option you choose, monthly payroll deduction or direct payment.

Name _____ Campus _____
Dept. _____ Job Title _____
Home address _____ City _____ Zip _____
Campus phone _____ Home phone _____ Date _____
Signature _____

You can have your dues deducted automatically from your paycheck on a monthly basis or you can be billed at your home address. Please check your preference.

_____ Payroll deduction
_____ Direct billing

UC-AFT dues are 3/4 of 1 percent of monthly gross salary. Union dues are tax deductible.

UC/AFT Moves Toward Long-Range Goal

RESEARCHERS TO VOTE ON COLLECTIVE BARGAINING

by Norman K. Holsinger
Assistant to the President for Organization

Upon filing nearly 2,000 signatures with the Public Employment Relations Board (PERB), the University Council/AFT has been placed on the ballot for a collective bargaining election among the 3,500 member research and professional unit. This unit includes researchers, specialists, agronomists, coordinators of public programs, continuing education specialists, and post graduate researchers. The election, to be held in January, 1986, will determine whether the University Council/AFT, which currently represents UC librarians and non-Senate faculty, is to be the exclusive collective bargaining representative of the research professionals.

During the petition drive, UC/AFT was able to contact a vast majority of the research professionals in the UC system. "Throughout last summer and after the first of the year, we approached thousands of researchers in the unit," states UC/AFT President Nancy Elnor.

Researchers Supportive

"The sentiment is heavily in favor of collective bargaining," Elnor continues. "Of those we contacted, more than 50% responded favorably by signing the petition to qualify the University Council/AFT."

Issues persistently raised by researchers while being contacted individually by petitioners include job security, income protection between grants, a voice in research operations at both the project and university level, right to be a principal investigator with standardized criteria governing that status, professional recognition of work, greater access to sabbaticals, right to an effective process for settling problems such as a binding grievance procedure, and shared governance.

Long-Range Goal

Following a successful membership campaign over the past year, which resulted in a 2 1/2 fold gain in headcount membership and a doubling of full-time equivalent members, this move into a new and much larger unit by UC/AFT represents the next step toward reaching the long-range goal of representing all academics and professionals at the University of California.

Elnor contends that it is possible to organize all academics and professionals within the system. "We will take the appropriate steps," she states, "to organize each unit as it is determined and as favorable opportunities exist."

Traditionally in higher education, academic unions are organized through winning representation for Senate faculty first, followed by an outreach to other academic and professional units. However, since collective bargaining for Senate faculty was rejected by narrow margins at UC Berkeley and UCLA in the early eighties, this traditional approach is not presently viable for UC/AFT at the University of California.

"We will be successful," says Elnor, "by progressively winning each and every unit of academic and professional employees, and then consolidating membership in those units. Our union, started by Senate faculty, has now been expanded by the membership and activism of librarians, non-Senate faculty, and researchers. We are moving toward coordinated collective bargaining for all academics outside of the Senate in order to be in the strongest position possible when we turn toward winning collective bargaining among Senate members."

Elnor takes a long-term perspective toward building UC/AFT into a viable and powerful force. "This is not something that happens overnight," she argues. "It took our sister organization, the United University Professions in the SUNY system, fifteen years to reach the point at which they now play a leading role in the course and direction of higher education in the state of New York."

Researchers Pivotal

It will take hard work to build UC/AFT into an organization with the same influence of that held by UUP. "There are no short-cuts to building the union," Elnor contends. "People are won to the University Council/AFT through eyeball to eyeball, colleague to colleague discussion of the issues. As our numbers grow, so grows our strength to win gains for those we represent at the table."

Researchers can play a pivotal role in building the UC/AFT into a strong organization. By joining UC/AFT and winning collective bargaining, researchers are able to voice their concerns, represent their interests, and defend their rights in a far more effective way than as isolated individuals. By becoming part of an expanding organization such as the UC/AFT, researchers help create a union representing all academic employees in the UC system capable of influencing higher educational policy in California and nationally.

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